

City Council Minutes  
September 11, 2012

Regular Meeting  
City Hall Council Chambers

Tuesday, September 11, 2012  
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss.  
The city clerk called the roll:

Councilor Ferris	-	present	Councilor Doughty	-	present
Councilor Verow	-	present	Chairman Goss	-	present
Councilor O'Connell	-	present			

Chairman Goss declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

Chairman Goss led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Larry Doughty, Arthur Verow, Jerry Goss and Kevin O'Connell  
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, September 11, 2012 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss  
Mayor and Chairman of the City Council

or \_\_\_\_\_  
Majority of the City Council

a true copy, attest: s/Howard F. Kroll  
City Clerk

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OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	R. Hersey	Ptl.	09/07/12	1637
Larry T. Doughty	D. Lord	Sgt.	09/07/12	1654
Arthur Verow	D. Lord	Sgt.	09/07/12	1649
Jerry Goss	D. Lord	Sgt.	09/07/12	1645
Kevin O'Connell	R. Hersey	Ptl.	09/07/12	1642

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, September 11, 2012 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor Jerry Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**  
(Mayor Goss)
- A. Minutes of August 14, 2012 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
  - 1. (2012-B044) RESOLVE, Recognize Michael Celli as the 2012 Brewer Citizen of the Year. (Councilor Verow)
  - 2. (2012-B045) RESOLVE, Recognize Tim Hortons as the 2012 Brewer Business of the Year. (Councilor Verow)
  - 3. (2012-B046) RESOLVE, Recognize St. Joseph's Hospital Inclusion as One of the Top 100 Hospitals in the Country. (Councilor Doughty)
  - 4. (2012-B047) RESOLVE, Recognize the Brewer Water Pollution Control Facility for Service to the Citizens of the City of Brewer. (Councilor O'Connell)
  - 5. (2012-B048) RESOLVE, To Recognize Fire Chief Gary Parent for his Dedicated Service to the Brewer Fire Department, the Citizens of Brewer and the City of Brewer. (Councilor O'Connell)
  - 5. Swearing in of New Police Officer Tom Tardiff.
  - 6. Update on Bicentennial Activities- Gibran Graham.
  - 7. Public Comments.
- C. Consent Calendar.**
  - 1. (2012-A177) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Verow)
  - 2. (2012-A178) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Doughty)
  - 3. (2012-A179) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. ( Councilor Ferris)
  - 4. (2012-A180) ORDER, Accept Donation to the City of Brewer General Assistance Department for Home Fuel Assistance. (Councilor O'Connell)
  - 5. (2012-A181) ORDER, Authorize a Permanent Easement for a Natural Gas Main Adjacent to South Main Street. (Councilor Verow)
  - 6. (2012-A182) ORDER, Accept Grant to the Brewer Public Library from the MMA Safety Grant Program and Authorize Purchase of a Surveillance System at the Library. (Councilor Doughty)

7. (2012-A183) ORDER, Accept Grant to the Brewer Police Department from the Maine Municipal Association Risk Management Services to Purchase Nineteen ANSI Class III High Visibility Raincoats. (Councilor Ferris)
8. (2012-A184) ORDER, Accept Funds in a Forfeiture Resulting From a Recent Court Case that the Brewer Police Made a Substantial Contribution in the Successful Prosecution of. (Councilor O'Connell)
9. (2012-A185) ORDER, Amend Schedule of Fees. (Councilor Verow)
10. (2012-A186) ORDER, Authorize the City Manager to sign a Contract with Olver Associates to Conduct Field Flow Gauging Survey Work of the Entire City Sewer to Collect the Necessary Data to Complete the Master Plan Update Report Required by Maine Department of Environmental Protection Prior to December 30, 2013. (Councilor Doughty )
11. (2012-A187) ORDER, Authorize the City Manager, or His Designee, to Sign a Change Order With Penta Corporation To Allow the Remaining Septage Receiving Station Project Grant Funds to be Used to Pave the Receiving Station Driveway. (Councilor O'Connell)
12. (2012-A188) ORDER, Authorize the City Manager, or His Designee, to Sign a Change Order with T-Buck Construction to Allow the Remaining Bulkhead Project Grant Funds to be Used to Pave the Facility Driveway and Parking Lot Areas. (Councilor Ferris)
13. (2012-B049) RESOLVE, Disclosure of Impact Fees Assessed on Developments in the Wilson Street Area Capital Improvement District. (Councilor Verow)
14. (2012-B050) RESOLVE, Authorize the City's Participation in the 2012 Regional Household Hazardous Waste Collection and Disposal Program. (Councilor Ferris)
15. (2012-A188A) ORDER, Accept Proceeds from Sale of Surplus Materials and Appropriate For Use. (Councilor Verow)
16. (2012-A188B) ORDER, Accept Funds in support of Bicentennial Celebration. (Councilor Verow)
17. (2012-B051) RESOLVE, Ratify the Collective Bargaining Contract Between the City and the Fire Officers. (Councilor Verow)

**D. Monthly Reports. (Councilor Verow)**

**E. Nominations, Appointments, Elections.**

1. (2012-A189) ORDER, Issue Warrant for November 6, 2012 Annual Municipal Election. (Councilor Verow)
2. (2012-A190) ORDER, Issue Warrant for November 6, 2012 Referendum Election. (Councilor Ferris)

3. (2012-B052) RESOLVE, Prescribe Registrar of Voters Hourly Schedule for the November 6, 2012 Annual Municipal Election, November 6, 2012 Referendum Election and the November 6, 2012 State of Maine General Election. (Councilor O'Connell)
4. (2012-B053) RESOLVE, Confirm Appointment of Barbara Gibson as a Warden for the City of Brewer Voting District. (Councilor Verow)
5. (2012-B054) RESOLVE, To Appoint Perry B. Antone as Public Safety Director for the City of Brewer. Resolve, Confirm Appointment of Jason J. Moffitt as Deputy Police Chief for the City of Brewer. Resolve, Confirm Appointment of Ralph E. Cammack as Deputy Fire Chief for the City of Brewer. (Councilor Ferris)

**F. Unfinished Business.**

1. (2012-C013) Amend Chapter 10, Entitled "The Police Department", Article 1, The Police Department, of the Charter, Codes and Ordinances of the City of Brewer by Amending by Substitution Section 101 and Adding Sections 101.1 and 101.2. (posted 8/15/12)(Councilor Verow)
2. (2012-C014) Amend Chapter 9, Entitled "Fire Prevention", Article 1, The Fire Department, of the Charter, Codes and Ordinances of the City of Brewer by Amending by Substitution Section 101 and Adding Sections 101.1 and 101.2. (posted 8/15/12)(Councilor Ferris)
3. (2012-C015) Amend Land Use Code, Chapter 24, Article 3 Zoning Districts, Section 306.5, Schedule of Uses to Allow Churches in the Convenience Business Zoning District. (posted 8/15/12) (Councilor O'Connell)
4. (2012-C016) Amend Chapter 1, Entitled "The City Council", Article 3, Rules of Order, Section 350.1 of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Doughty) (posted 8/15/12)

**G. New Business.**

1. (2012-C017) Amend Land Use Code, Chapter 24, Article 4 Performance Standards, Section 420.4, Multiple Uses on a Single Lot. (Councilor Verow)
2. (2012-C018) Amend Land Use Code, Chapter 24, Article 12 Impact Fees, Section C. (Councilor Doughty)
3. (2012-A191) ORDER, Convene in Executive Session Pursuant To Title 1, M.R.S.A. § 405(6)(E) on a Legal Matter. (Councilor Ferris)
4. (2012-A192) ORDER, Authorize Abatement of Real Estate Taxes and Funding Thereof, With Accrued Interest, To 12 Stevens, LLC for the 2011 and 2012 Tax Years. (Councilor Doughty)

5. (2012-A193) ORDER, Authorize Abatement of Real Estate Taxes and Funding Thereof, With Accrued Interest, To AKTEM BUSINESS PARK, LLC for the 2012 Tax Years. (Councilor Verow)
6. (2012-A194) ORDER, Authorize Abatement of Real Estate Taxes and Funding Thereof, With Accrued Interest, To Eastern Maine Healthcare Systems For the 2011 and 2012 Tax Years. (Councilor O'Connell)
- H. New Items with Leave of Council.
- I. **ADJOURN.**

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**A. Minutes of August 14, 2012 Regular Meeting.**

**ACTION:** Councilor Verow moved that the minutes be accepted and placed on file. The motion was seconded and passed by unanimous vote.

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**B. Awards, Petitions and Public Comments.**

2012-B044

September 11, 2012

TITLE: RESOLVE, RECOGNIZE MICHAEL CELLI AS THE 2012 CITY OF BREWER CITIZEN OF THE YEAR.

filed September 4, 2012  
by Arthur Verow

WHEREAS, on September 7, 2012, the City of Brewer announced that Michael Celli was named Brewer Citizen of the Year by the Citizen of the Year Committee; and

WHEREAS, Mr. Celli has devoted countless hours to making the City of Brewer a regional force in Economic Development, a leader in strong municipal government services, a great supporter of our Armed Forces, and making the City of Brewer a destination for visitors and businesses alike; and

WHEREAS, Mr. Celli has served with dignity and honor in numerous elected positions most notably as City of Brewer Mayor, City Councilor, Planning Board Member and currently as our State Representative;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends Mr. Michael Celli for being the 2012 Brewer Citizen of the Year for his unyielding devotion to the City of Brewer.

**ACTION:** Councilor Verow moved that the resolve be adopted. The motion was seconded and passed.

Chairman Goss read the resolve into the record.

The resolve was adopted by unanimous vote.

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2012-B045

September 11, 2012

**TITLE:** RESOLVE, RECOGNIZE TIM HORTONS AS THE 2012 CITY OF  
BREWER BUSINESS OF THE YEAR.

filed September 4, 2012  
by Arthur Verow

WHEREAS, on September 7, 2012, the City of Brewer announced that Tim Hortons was named Brewer Business of the Year by the Business of the Year Committee; and

WHEREAS, Tim Hortons has devoted many hours volunteering and donated generously to numerous programs and events throughout the City of Brewer; and

WHEREAS, Tim Hortons has served the community with dignity and honor and has been a great partner in making all of those programs successful;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends Tim Hortons for being the 2012 Brewer Business of the Year for their unyielding devotion to the City of Brewer.

**ACTION:** Councilor Verow moved that the resolve be adopted. The motion was seconded and passed.

Chairman Goss read the resolve into the record.

The resolve was adopted by unanimous vote.

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2012-B046

September 11, 2012

TITLE: RESOLVE, RECOGNIZE ST. JOSEPH'S HOSPITAL INCLUSION  
AS ONE OF THE TOP 100 HOSPITALS IN THE COUNTRY.

filed September 5, 2012  
by Larry Doughty

WHEREAS, St. Joseph Hospital has been recognized by Thomson Reuters as one of the Top 100 Hospitals in the United States; and

WHEREAS, being chosen among nearly 3,000 hospitals and the only one in Maine and one of only 20 in the medium community hospital category; and

WHEREAS, St. Joseph Hospital has been an integral part of the Eastern Maine region for over six decades and has been providing the highest quality of care, focused on compassion, competence and community; and

WHEREAS, St. Joseph Hospital provides a wide range of comprehensive health care services at the highest quality of care;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith extends its congratulations to St. Joseph Hospital and its more than 800 dedicated staff members, for being named one of the Top 100 Hospitals in the United States.

**ACTION:** Councilor Doughty moved that the resolve be adopted. The motion was seconded and passed.

Chairman Goss read the resolve into the record.

The resolve was adopted by unanimous vote.

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2012-B047

September 11, 2012

TITLE: RESOLVE, RECOGNIZE THE BREWER WATER POLLUTION CONTROL  
FACILITY FOR SERVICE TO THE CITIZENS OF THE CITY  
OF BREWER.

filed September 6, 2012  
by Kevin O'Connell

WHEREAS, the Brewer Water Pollution Control Facility is a full time department of the City of Brewer, since 1975; and

WHEREAS, the operators of the Facility are responsible for the operation and maintenance of the Brewer Water Pollution Control Facility, 14 pump stations, 53 miles of sewer with 1200 manholes and 65 miles of stormwater with 1400 catch basins; and

WHEREAS, in 1992, the City was advised that the Water Pollution Control Facility and sewer collection system was one of EPA's highest enforcement priorities which led to the City signing a consent agreement with the Maine Department of Environmental Protection to resolve discharge violations from the Brewer Water Pollution Control Facility (BWPCF) and the discharge of untreated wastewater to the Penobscot River during wet weather events from the sewer system; and

WHEREAS, prior to signing the consent agreement the Brewer Water Pollution Control Facility was averaging 11 effluent discharge violations per month and the City was discharging 750 million gallons of combined sewer (a mixture of stormwater and wastewater) untreated to the Penobscot River during 70-90 Combined Sewer Overflow events per year; and

WHEREAS, today the Brewer Water Pollution Control Facility is recognized by the Maine Department of Environmental Protection and others in the wastewater industry, as one of the best; and

WHEREAS, the Facility has not had a discharge violation since July 1, 1994 (18 years) and since the last sewer separation project was completed one year ago in September 2011, the sewer collection system has had zero sewer overflow events; and

WHEREAS, as a result of the operators dedication, attention to detail and hard work, the Brewer Water Pollution Control Facility has been the recipient of many awards over the last 18 years, the most prestigious being the Richard B. Goodnow Award, received from Maine Wastewater Control Association in Recognition of Excellence in Operation and Management of a Municipal Facility in Maine and the National CSO Award received from EPA for Combined Sewer Overflow Program Excellence; and  
2012-B047, page 2

WHEREAS, the Facility operators look forward to continuing the tradition of excellence and are dedicated to the mission of creating the best quality effluent for discharge to the Penobscot River;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer herewith recognizes and commends the Brewer Water Pollution Control Facility and it's operators for outstanding and dedicated service to the Citizens of the City of Brewer.

**ACTION:** Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

Chairman Goss read the resolve into the record.



Chairman Goss presented Ken Locke, Director of Environmental Services with a plaque containing a framed attested copy of the resolve.

The resolve was adopted by unanimous vote.

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2012-B048

September 11, 2012

TITLE: RESOLVE, TO RECOGNIZE FIRE CHIEF GARY PARENT FOR HIS DEDICATED SERVICE TO THE BREWER FIRE DEPARTMENT, THE CITIZENS OF BREWER AND THE CITY OF BREWER.

filed September 6, 2012  
by Kevin O'Connell

WHEREAS, Chief Gary Parent is due to retire from the Brewer Fire Department on September 28, 2012; and

WHEREAS, Chief Parent has served the citizens and the City of Brewer for over 30 years; and

WHEREAS, Chief Parent began his career with the Brewer Fire Department as a call fire fighter in 1982 being hired as a fulltime fire fighter in 1985; and

WHEREAS, Chief Parent was promoted to Captain in 1999 and then appointed to Fire Chief in 2010; and

WHEREAS, Chief Parent has served the Brewer Fire Department, Citizens of Brewer and the City of Brewer with distinction and honor;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith thanks Chief Parent for his 30 years of dedicated service to the Citizens of Brewer, the City of Brewer and the Brewer Fire Department. The City Council wishes Chief Parent the very best in his upcoming retirement and future endeavors.

**ACTION:** Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

Chairman Goss read the resolve into the record.

Chairman Goss presented Chief Parent with a plaque containing a framed attested copy of the resolve.

The resolve was adopted by unanimous vote.

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**SWEARING IN OF NEW POLICE OFFICER.**

City Clerk Howard Kroll swore in new Police Officer Tom Tardiff.  
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**UPDATE ON BICENTENNIAL ACTIVITIES.**

Gibran Graham was unable to make the meeting tonight. He will email to the City Council the summary of events and also clarification of the status for the Riverrun on Saturday.  
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**PUBLIC COMMENTS.**

Superintendent of Schools Dr. Lee introduce the new principal of Brewer High School.

Councilor Doughty asked about the fund raising for Doyle Field and also where the feasibility study stands at.

Chairman Goss said the study is nearly complete and the findings will be reported in the coming months.

It was announced that Candidates Night would be Tuesday, October 30, 2012, 6:30 p.m. at the Brewer Community School.  
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**C. Consent Calendar.**

**ACTION:** Councilor Verow removed order 2012-A181.  
Chairman Goss removed resolve 2012-B049.

Councilor Verow moved that the remaining orders on the consent calendar have passage and the resolve be adopted. The motion was seconded and passed by unanimous vote.

2012-A177

September 11, 2012

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER  
FOR COLLECTION.

filed September 5, 2012  
by Arthur Verow

WHEREAS, under Chapter 40 of the Water Department Ordinance of the City of Brewer, a water charge is assessed to water users;

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$627,959.31** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
SEPTEMBER 2012	\$622,992.54	
JUNE 2012	\$2036.06	
JULY 2012	\$1704.66	
AUGUST 2012	\$1226.05	
TOTAL	<b>\$627,959.31</b>	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$627,959.31** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

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2012-A178

September 11, 2012

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER  
FOR COLLECTION.

filed September 5, 2012  
by Larry Doughty

WHEREAS, under Chapter 31 of the Sewer and Pre-treatment Ordinance of the City of Brewer, a sewer charge is assessed to sewer users;

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$567,808.96** at the established rate, as provided by Title 30A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 and as such sections may be amended from time to time; and

FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
SEPTEMBER 2012	\$554,048.87	
JUNE 2012	\$571.59	
JULY 2012	\$1871.48	
AUGUST 2012	\$11,317.02	
TOTAL	<b>\$567,808.96</b>	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$567,808.96** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

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2012-A179

September 11, 2012

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND  
RECREATION DEPARTMENT FOR THE ANNUAL  
BREWER DAYS CELEBRATION.

filed September 5, 2012  
by Joseph Ferris

WHEREAS, the City of Brewer has received a donation of \$500.00 from Eastern Maine Healthcare Systems for support of this year's Brewer Days Celebration;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, and directs that the donated funds be receipted to account 0200000 320000 71002 (Brewer Days Contributions); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0200000 520000 71002 (Brewer Days Expense).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to these businesses for their generous donations.

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2012-A180

September 11, 2012

TITLE: ORDER, ACCEPT DONATION TO THE CITY OF BREWER  
GENERAL ASSISTANCE DEPARTMENT FOR HOME  
FUEL ASSISTANCE.

filed September 5, 2012  
by Kevin O'Connell

WHEREAS, the City of Brewer has received a donation of \$228.10 from the North Brewer-Eddington United Methodist Church for support of home fuel assistance;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, and directs that the donated funds be receipted to account 0300004 330000 (Home Heating Revenue); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0300004 530000 (Home Heating Expense).

NOTE: Suesan Packer, City of Brewer General Assistance Caseworker has sent a letter of acknowledgement and appreciation on behalf of the City Council to this organization for their generous donation.

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2012-A181

September 11, 2012

TITLE: ORDER, AUTHORIZE A PERMANENT EASEMENT FOR A  
NATURAL GAS MAIN ADJACENT TO SOUTH  
MAIN STREET.

filed September 5, 2012  
by Arthur Verow

WHEREAS, the City of Brewer and Bangor Natural Gas have reached agreement on the installation of a new 6" natural gas main on South Main Street; and

WHEREAS, the installation of the new gas main requires a permanent easement on City property adjacent to South Main Street in a section 10' wide by approximately 40' long on Map 26, Lot 27;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to execute a permanent easement to Bangor Natural Gas as described herein; and

BE IT FURTHER ORDERED, that the easement shall be reviewed by the City Solicitor and the City Engineer prior to execution and, upon execution, shall be recorded by the City Clerk at the Penobscot Registry of Deeds.

**ACTION:** Councilor Verow moved that the order have passage. The motion was seconded.

Councilor Verow asked if Bangor Gas was good to work with? He had heard that there had been problems on Park Avenue West, that after residents collected the number of accounts necessary that the company changed the number needed for installation.

City Manager Bost said he felt the relationship was cordial but felt some quality control issues were present and could be improved.

City Engineer Frank Higgins said he didn't have any knowledge of any problems with residents. In his relationship with the Gas Company he has noticed that they are overwhelmed with the demand for the new services

The order was passed by unanimous vote.

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2012-A182

September 11, 2012

TITLE: ORDER, ACCEPT GRANT TO THE BREWER PUBLIC LIBRARY  
FROM THE MMA SAFETY GRANT PROGRAM AND  
AUTHORIZE PURCHASE OF A SURVEILLANCE SYSTEM  
AT THE LIBRARY.

filed September 5, 2012  
by Larry Doughty

WHEREAS, the Brewer Public Library has received a grant of up to \$2000 from the Maine Municipal Association Safety Grant Program to pay for up to two-thirds of the cost to increase security by installing cameras and DVR (digital video recording) capabilities at the library; and

WHEREAS, the library received two proposals for the equipment and installation and the lowest bidder was NorthStar Protection, LLC for a total of \$2,690; and

WHEREAS, the library has funds available to meet the \$888 grant match requirement;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the grant of two-thirds of the cost of enhanced security at the library (up to \$2,000) and authorizes the funds be deposited in 0600502-360000-72019 (Library Camera System Grant Revenue) and be appropriated and expended from 0600502-560000-72019 (Library Camera System Grant Expense); and

BE IT FURTHER ORDERED, that the required City match for this project comes from 0117201-504000 (Library Building Expense).

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2012-A183

September 11, 2012

TITLE: ORDER, ACCEPT GRANT TO THE BREWER POLICE DEPARTMENT  
FROM THE MAINE MUNICIPAL ASSOCIATION RISK  
MANAGEMENT SERVICES TO PURCHASE NINETEEN  
ANSI CLASS III HIGH VISIBILITY RAINCOATS.

filed September 5, 2012  
by Joseph Ferris

WHEREAS, the City of Brewer Police Department has received a grant from the Maine Municipal Association Risk Management Services; and

WHEREAS, the City of Brewer Police Department has received approval to purchase nineteen ANSI Class III high visibility raincoats to meet current highway safety requirements; and

WHEREAS, the amount awarded by the grant to the Brewer Police Department is \$1,634; and

WHEREAS, required local matching funds of \$817 shall be furnished form Brewer Police Department State Asset Forfeiture Account;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds will be deposited in account 0600503-360000-58022 (2012 MMA – High Visibility Raincoat Revenue). Grant expenditures shall be charged to 0600503-560000-58022 (MMA High Visibility Raincoat Expense). Matching funds for the grant shall be charged to 0200101-550200 State Asset Forfeiture Account and transferred to 0600503-360010-58022.

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2012-A184

September 11, 2012

TITLE: ORDER, ACCEPT FUNDS IN A FORFEITURE RESULTING FROM A RECENT COURT CASE THAT THE BREWER POLICE MADE A SUBSTANTIAL CONTRIBUTION IN THE SUCCESSFUL PROSECUTION OF.

filed September 5, 2012  
by Kevin O'Connell

WHEREAS, the Brewer Police Department has conducted an investigation where a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this sum of money was offered to the City in recognition of the valuable assistance of the Brewer Police Department in the successful completion of the investigation; and

WHEREAS, under Maine Law, Title 15 M.R.S.A., § 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money forfeited as a result of the recent criminal investigation cited:

Case Reference Number	Sum
12-DEA-555972	\$19,151.44
12-DEA-560124	\$ 5,631.44
12-DEA-556672	\$ 4,671.24
12-DEA-555971	\$ 7,735.44



AND, FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

FURTHER ORDERED, that these funds be deposited into the Federal Justice Asset Forfeiture Receipt Account 0200103-320000 and that expenditures are authorized be expended from the Federal Justice Asset Forfeiture Expense Account within this Org (0200103).

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2012-A185

September 11, 2012

TITLE: ORDER, AMEND THE SCHEDULE OF FEES.

filed September 4, 2012  
by Arthur Verow

ORDERED, that the Schedule of Fees established by the City Council on March 12, 1979, and last amended on June 1, 2010 be further amended;

NOW, THEREFORE, BE IT ORDERED, that the Schedule of Fees be further amended by adding the fees for the following services:

NEW FEE

Fireworks Business License \$100

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2012-A186

September 11, 2012

TITLE: ORDER, AUTHORIZE THE CITY MANAGER TO SIGN A CONTRACT WITH OLVER ASSOCIATES TO CONDUCT FIELD FLOW GUAGING SURVEY WORK OF THE ENTIRE CITY SEWER SYSTEM TO COLLECT THE NECESSARY DATA TO COMPLETE THE MASTER PLAN UPDATE REPORT REQUIRED BY MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION PRIOR TO DECEMBER 30, 2013.

filed September 5, 2012  
by Larry Doughty

WHEREAS, the City has completed all the sewer separation projects required of the CSO Master Plan dated June 1993; and

WHEREAS, the City is required to submit to the Maine Department of Environmental Protection for review and approval an updated CSO Master Plan that analyzes the effectiveness of the sewer separation projects to date; and

WHEREAS, Olver Associates has submitted a proposal to conduct field flow gauging survey work of the City's entire sewer system to identify potential sources of remaining excess flows during various sewer system hydraulic conditions including Spring high groundwater, snowmelt and several storm events of high intensity precipitations; and

WHEREAS, this field work must be completed in FY13 during the Fall of 2012 and the Spring of 2013 to collect the flow data necessary to complete the CSO Master Plan Update prior to the Maine Department of Environmental Protection December 30, 2013 deadline; and

WHEREAS, the City has approved, as part of its FY2013 sewer capital improvement program, a general obligation bond for \$25,000 to fund the cost of data collection required to complete the Master Plan Update Report;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager to issue a purchase order and sign a contract with Olver Associates for \$25,000 to conduct field flow gauging survey work of the City's entire sewer system to collect the necessary data to complete the CSO Master Plan Update prior to the December 30, 2013 deadline; and

BE IT FURTHER ORDERED, that the costs of this work be charged to 0581004-584002 (CSO Master Plan Update); and

BE IT FURTHER ORDERED, that that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contracted services for this project.

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2012-A187

September 11, 2012

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A CHANGE ORDER WITH PENTA CORPORATION TO ALLOW THE REMAINING SEPTAGE RECEIVING STATION PROJECT GRANT FUNDS TO BE USED TO PAVE THE RECEIVING STATION DRIVEWAY.

filed September 5, 2012  
by Kevin O'Connell

WHEREAS, the Septage Receiving Station Project has been completed and there is grant money still available from Rural Development that must be spent prior to September 2013, and

WHEREAS, Rural Development has authorized the City to use the remaining grant money to pave the driveway to the Septage Receiving Station; and

WHEREAS, the project will consist of providing additional fine grading and asphalt paving; and

WHEREAS, Penta, the company which just constructed the new septage receiving station, has given the City a price of \$5,895.00 to complete the work and the project has been approved by Rural Development;

NOW, THEREFORE BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a change order in the amount of \$5,895.00 with Penta Corporation of Moultonboro, NH, under such conditions as he feels are in the best interest of the citizens of Brewer, for the provisions of paving the Septage Receiving Station driveway; and

BE IT FURTHER ORDERED, that the cost of the change order for this work shall be funded from the Rural Development Septage Receiving Station grant funds and charged to account number 0680401-560060 (Septage Contingency).

\*\*\*

2012-A188

September 11, 2012

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A CHANGE ORDER WITH T-BUCK CONSTRUCTION TO ALLOW THE REMAINING BULKHEAD PROJECT GRANT FUNDS TO BE USED TO PAVE THE FACILITY DRIVEWAY AND PARKING LOT AREAS.

filed September 5, 2012  
by Joseph Ferris

WHEREAS, the Bulkhead Project has been completed and there is grant money still available in the Rural Development loan that must be spent prior to September 2013; and

WHEREAS, Rural Development has authorized the City to use the remaining grant money to pave the Brewer Water Pollution Control Facility driveway and parking areas; and

WHEREAS, the project will consist of excavating the existing drive to a depth of 1'.0", compact existing base, place roadway fabric, place 2" minus gravel and compact to depth of 12", fine grade and place 2" of binder asphalt and 1.5" of surface asphalt; and

WHEREAS, T-Buck Construction, the company currently finishing up the bulkhead replacement project at the treatment plant, has given the City a price of \$125,410 to complete the work and the project has been approved by Rural Development;

NOW, THEREFORE BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a change order in the amount of \$125,410 with T Buck Construction of Auburn, ME, under such conditions as he feels are in the best interest of the citizens of Brewer, for the provisions of paving the Brewer Water Pollution Control Facility driveway and parking areas; and

BE IT FURTHER ORDERED, that the cost of the change order for this work shall be funded from the Rural Development Bulkhead Project grant funds and charged to account number 0680502-560060 (Bulkhead Contingency).

\*\*\*

2012-B049

September 11, 2012

TITLE: RESOLVE, DISCLOSURE OF IMPACT FEES ASSESSED ON DEVELOPMENTS IN THE WILSON STREET AREA CAPITAL IMPROVEMENT DISTRICT.

filed September 5, 2012  
by Arthur Verow

WHEREAS, the Brewer Planning Board has the authority under the Land Use Code to assess impact fees on developments in the, so called, Wilson Street Area Capital Improvement District;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith calls upon the City Manager to direct the City Planner to include in the City Planner's monthly reports copies of all Impact Fee Calculation Forms prepared by the City Engineer.

**ACTION:** Councilor Verow moved that the resolve be adopted. The motion was seconded.

Chairman Goss asked City Planner Linda Johns to update the Council on the Planning Board decision regarding the impact fees on two orders on tonight's agenda.

The resolve was adopted by unanimous vote.

\*\*\*

2012-B050

September 11, 2012

TITLE: RESOLVE, AUTHORIZE THE CITY'S PARTICIPATION IN THE 2012 REGIONAL HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSAL PROGRAM.

filed September 5, 2012  
by Joseph Ferris

WHEREAS, the City of Brewer has participated in the Regional Household Hazardous Waste Collection and Disposal Program for several years, with other area communities, at the Bangor Public Works at 530 Maine Avenue in Bangor; and

WHEREAS, the Program has been a huge success giving Brewer residents an opportunity to dispose of household hazardous waste such as oil, gas, kerosene, oil based paint, thinner, pesticides, antifreeze, fertilizer, poisons, etc.; and

WHEREAS, the 2012 Regional Household Hazardous Waste Collection and Disposal Program is scheduled for Saturday, October 6, 2012 from 9:00 a.m. to 2:00 p.m. for all Brewer residents who register in advance; and

WHEREAS, the following communities will also participate in this very successful regional program: Bangor, Carmel, Clifton, Dedham, Dixmont, Eddington, Etna, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Newburgh, Old Town, Orono, Orrington, Penobscot Nation, Stockton Springs, Veazie, and Winterport;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a Hazardous Waste Collection Agreement which will permit Brewer residents to participate in the 2012 Regional Household Hazardous Waste Collection and Disposal Program; and

BE IT FURTHER ORDERED, that funds for this program shall be charged to City budget account 0818101-506230.

\*\*\*

2012-A188A

September 11, 2012

TITLE: ORDER, ACCEPT PROCEEDS FROM SALE OF SURPLUS  
MATERIALS AND APPROPRIATE FOR USE.

filed September 6, 2012  
by Arthur Verow

WHEREAS, Public Works has received a check in the amount of \$592.90 from the sale of scrap materials from the former Washington Street School; and

WHEREAS, the City Council desires to apply these proceeds to support expenses associated with redevelopment of the former school site;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith orders the proceeds from the sale of this surplus property be deposited into 0106904-300410 (Sale of Assets) and granted to Brewer Redevelopment LLC from 0115330-504000 (Vacant School expense).

\*\*\*

2012-A188B

September 11, 2012

TITLE: ORDER, ACCEPT FUNDS IN SUPPORT OF BICENTENNIAL  
CELEBRATION.

filed September 7, 2012  
by Arthur Verow

WHEREAS, the Bicentennial Committee has sponsored two events—the Joshua Chamberlain Golf Classic and a dinner to honor Danny Coombs—that have each brought in more revenue than the expenses they had to pay; and

WHEREAS, the City Council desires to use these surplus funds to support other Bicentennial related expenses;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith accepts the proceeds for these two events and authorizes their use to cover expenses associated with the two events; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith accepts \$2,878.00 in net revenue from the golf tournament and \$490.00 in net revenue from the Coombs dinner and orders it receipted to 0300100-320000 (Bicentennial Revenue) and authorizes its appropriation and expenditure from an expense account in the 0300100 Bicentennial org code to support further Bicentennial events and expenses.

\*\*\*

2012-B051

September 11, 2012

TITLE: RESOLVE, RATIFY THE COLLECTIVE BARGAINING  
CONTRACT BETWEEN THE CITY AND THE FIRE  
OFFICERS.

filed September 7, 2012  
by Arthur Verow

WHEREAS, negotiations between the City of Brewer and Council 93 of the American Federation of State, County and Municipal Employees, representing the Fire Officers, have recently been completed; and

WHEREAS, the two parties have reached agreement on the terms and conditions of a contract;

NOW, THEREFORE, BE IT RESOLVED, that the City Council, on behalf of the City of Brewer, herewith ratifies this collective bargaining agreement and authorizes the City Manager, or his designee, to sign said agreement on behalf of the City of Brewer. This agreement shall be effective as of July 1, 2012 and shall expire June 30, 2013.

\*\*\*

**D. Monthly Reports.**

**ACTION:** Councilor Verow moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

\*\*\*

**E. Nominations, Appointments, Elections.**

2012-A189

September 11, 2012

TITLE: ORDER, ISSUE WARRANT FOR NOVEMBER 6, 2012 ANNUAL MUNICIPAL ELECTION.

filed September 5, 2012  
by Arthur Verow

WHEREAS, the City of Brewer annual municipal election will be held on Tuesday, November 6, 2012; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) provides that the polls must be opened no earlier than 6:00 a.m. and no later than 9:00 a.m. on election day; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) further provides that the municipal officers shall determine the time of opening the polls within the time limits of 6:00 a.m. to 9:00 a.m.; and

WHEREAS, a poll opening time of 7:00 a.m. will, in the judgment of the municipal officers, meet the needs of the municipality for the November 6, 2012 election;

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith set the time of 7:00 a.m. for opening the polls for the November 6, 2012 annual municipal election; and

FURTHER ORDERED, that the municipal officers issue a warrant for the regular municipal election to be held on November 6, 2012 with the polls to open at 7:00 a.m.

**CITY OF BREWER  
ANNUAL MUNICIPAL ELECTION**

Penobscot ss.

State of Maine

To: \_\_\_\_\_, a Constable in the City of Brewer.

You are hereby required in the name of the State of Maine to notify the voters of the City of Brewer of the election described in this warrant.

**TO THE VOTERS OF THE CITY OF BREWER  
WARD 1, PRECINCTS 1 AND 2**

You are hereby notified that the annual municipal election in the municipality will be held at the Brewer Auditorium on Tuesday, the sixth day of November, 2012 for the purpose of affecting the election of:

TWO MEMBERS OF THE CITY COUNCIL FOR THREE YEAR TERMS  
TWO MEMBERS OF THE SUPERINTENDING SCHOOL COMMITTEE FOR THREE  
YEAR TERMS  
ONE TRUSTEE OF THE BREWER HIGH SCHOOL DISTRICT FOR A FIVE YEAR TERM

The polls shall be opened at 7:00 A.M. and close at 8:00 P.M.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new registrations.

A person who is not registered as a voter may not vote in any election.

Dated at Brewer, Maine this 11th day of September in the year of Our Lord, Two Thousand Twelve.

Majority of the Municipal Officers of Brewer

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

**ACTION:** Councilor Verow moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

\*\*\*



2012-A190

September 11, 2012

TITLE: ORDER, ISSUE WARRANT FOR NOVEMBER 6, 2012  
REFERENDUM MUNICIPAL ELECTION.

filed September 5, 2012  
by Joseph Ferris

WHEREAS, the City of Brewer referendum municipal election will be held on Tuesday, November 6, 2012; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) provides that the polls must be opened no earlier than 6:00 a.m. and no later than 9:00 a.m. on election day; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) further provides that the municipal officers shall determine the time of opening the polls within the time limits of 6:00 a.m. to 9:00 a.m.; and

WHEREAS, a poll opening time of 7:00 a.m. will, in the judgment of the municipal officers, meet the needs of the municipality for the November 6, 2012 election;

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith set the time of 7:00 a.m. for opening the polls for the November 6, 2012 referendum municipal election; and

FURTHER ORDERED, that the municipal officers issue a warrant for the referendum municipal election to be held on November 6, 2012 with the polls to open at 7:00 a.m.

**CITY OF BREWER  
ANNUAL MUNICIPAL ELECTION**

Penobscot ss.

State of Maine

To: \_\_\_\_\_, a Constable in the City of Brewer.

You are hereby required in the name of the State of Maine to notify the voters of the City of Brewer of the election described in this warrant.

TO THE VOTERS OF THE CITY OF BREWER  
WARD 1, PRECINCTS 1 AND 2

You are hereby notified that the referendum municipal election in the municipality will be held at the Brewer Auditorium on Tuesday, the sixth day of November, 2012 for the purpose of affecting the election of:

Shall Chapter 9, Article 6, Section 602 of the Codes and Ordinances of the City of Brewer be amended to add a sentence at the end of Section 602 to read as follows:

“Notwithstanding the foregoing, the use of consumer fireworks shall be restricted to those areas of the City of Brewer that permit the discharge of shotguns, muzzle loaders, black powder guns, revolvers and pistols pursuant to Chapter 35 of the Codes and Ordinances of the City of Brewer”.

The polls shall be opened at 7:00 A.M. and close at 8:00 P.M.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new registrations.

A person who is not registered as a voter may not vote in any election.

Dated at Brewer, Maine this 11th day of September in the year of Our Lord, Two Thousand Twelve.

Majority of the Municipal Officers of Brewer

\_\_\_\_\_  
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\_\_\_\_\_

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\_\_\_\_\_

**ACTION:** Councilor Ferris moved that the order have passage. The motion was seconded.

Councilor Verow asked if we could have one ballot versus two ballots.

City Solicitor Dearborn said we could have one ballot.

The order was passed by a 3 to 2 vote (Councilors Doughty and O’Connell voting against).

\*\*\*

2012-B052

September 11, 2012

**TITLE:** RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY  
SCHEDULE FOR THE NOVEMBER 6, 2012 ANNUAL  
MUNICIPAL ELECTION, NOVEMBER 6, 2012  
REFERENDUM ELECTION AND THE NOVEMBER 6, 2012  
STATE OF MAINE GENERAL ELECTION.

filed September 5, 2012  
by Kevin O'Connell

WHEREAS, the City of Brewer annual municipal election, referendum election and the State of Maine general election will be held on Tuesday, November 6, 2012; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the city clerk's office is open (8:00 a.m. – 5:00 p.m.) and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 3 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2010 federal census; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (8) provides that the hourly schedule may be changed by the municipal officers according to the needs of the municipality; and

WHEREAS, the Registrar of Voters suggests that the needs of the municipality are sufficiently met with the 8:00 a.m. to 5:00 p.m. daily schedule and with election day voter registration so that it is not necessary for the Registrar of Voters to hold office hours and accept registrations during evening hours between 5:00 p.m. and 9:00 p.m. on at least 3 of the days during the last 5 business day period prior to the election; and

WHEREAS, the municipal officers concur with this assessment by the Registrar of Voters;

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith prescribe the hours of registration as 8:00 a.m. to 5:00 p.m. on the five business days next prior to the state-wide and city elections to be held on November 6, 2012.

**ACTION:** Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

The resolve was adopted by unanimous vote.

\*\*\*

2012-B053

September 11, 2012

TITLE: RESOLVE, CONFIRM APPOINTMENT OF BARBARA GIBSON  
WARDEN FOR THE CITY OF BREWER VOTING DISTRICT.

filed September 5, 2012  
by Arthur Verow

WHEREAS, under Chapter 3, Section 103 (Appointments) of the City of Brewer Charter, Codes and Ordinances entitled “City Clerk”, the City Clerk is authorized to appoint wardens to preside over the City’s voting district; and

WHEREAS, such appointments are subject to confirmation by the City Council; and

WHEREAS, two current wardens are not available for upcoming elections; and

WHEREAS, the City Clerk has appointed Barbara Gibson of 587 Eastern Avenue to cover these vacancies;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith confirms the City Clerk’s appointment of Barbara Gibson as a warden for the City of Brewer’s voting district.

**ACTION:** Councilor Verow moved that the resolve be adopted. The motion was seconded and passed.

The resolve was adopted by unanimous vote.

\*\*\*

2012-B054

September 11, 2012

TITLE: RESOLVE, TO APPOINT PERRY B. ANTONE SR. AS  
DIRECTOR OF PUBLIC SAFETY FOR THE CITY  
OF BREWER. RESOLVE, CONFIRM APPOINTMENT OF  
JASON J. MOFFITT AS DEPUTY POLICE CHIEF FOR THE  
CITY OF BREWER. RESOLVE, CONFIRM APPOINTMENT  
OF RALPH E. CAMMACK AS DEPUTY FIRE CHIEF FOR  
THE CITY OF BREWER.

filed September 5, 2012  
by Joseph Ferris

WHEREAS, under Title 10, Section 101.1 and Section 101.2 entitled “The Police Department,” and under Title 9 Section 101.1 and Section 101.2 entitled “Fire Prevention” of the City of Brewer Charter, Codes and Ordinances authorizes the City Manager to make appointments to the positions of Director of Public Safety, Deputy Police Chief and Deputy Fire Chief; and

WHEREAS, such appointments are subject to confirmation by the City Council; and

WHEREAS, these positions are currently vacant; and

WHEREAS, the City Manager appoints Perry B. Antone Sr. as Director of Public Safety;  
and

WHEREAS, the City Manager appoints Jason J. Moffitt as the Deputy Police Chief of the  
Brewer Police Department; and

WHEREAS, the City Manager appoints Ralph E. Cammack as the Deputy Fire Chief of  
the Brewer Fire Department;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith confirms the  
appointment of Perry B. Antone Sr. as the Director of Public Safety, Jason J. Moffitt as the  
Deputy Chief of Police and Ralph E. Cammack as the Deputy Fire Chief.

**ACTION:** Councilor Ferris moved that the resolve be adopted. The motion was  
seconded and passed.

The resolve was adopted by unanimous vote.

\*\*\*

**F. Unfinished Business.**

2012-C013

August 14, 2012

**TITLE:** AMEND CHAPTER 10, ENTITLED "THE POLICE DEPARTMENT",  
ARTICLE 1 THE POLICE DEPARTMENT, OF THE CHARTER, CODES  
AND ORDINANCES OF THE CITY OF BREWER BY AMENDING BY  
SUBSTITUTION SECTION 101 AND ADDING SECTIONS 101.1 AND  
101.2.

filed August 8, 2012  
by Arthur Verow

Be it ordained by the City Council of the City of Brewer in City Council assembled that  
Chapter 10 of the Charter, Codes and Ordinances of the City of Brewer entitled "The Police  
Department" be amended by substitution of Section 101 and by adding Sections 101.1 and 101.2  
as follows:

**~~SECTION 101. POLICE CHIEF, APPOINTMENT.~~** ~~The City Manager shall appoint a Chief  
of the Police Department subject to the confirmation of the City Council. The number of police  
officers shall be determined by, and each police officer shall be appointed by the City Manager.~~

**SECTION 101. PUBLIC SAFETY DIRECTOR AND POLICE CHIEF APPOINTMENTS.**

The City Manager shall appoint a Public Safety Director, who shall also be appointed the Chief of the Police Department, subject to the confirmation of the City Council.

**SECTION 101.1. DUTIES OF THE PUBLIC SAFETY DIRECTOR.**

The Public Safety Director shall have all of the duties as the Police Chief set forth in this Ordinance and the laws of the State of Maine, along with such other Police Department duties as may be assigned to the Public Safety Director by the City Manager.

**SECTION 101.2. DEPUTY POLICE CHIEF.**

The City Manager shall appoint a Deputy Police Chief, subject to the confirmation of the City Council, who shall have the same duties as the Police Chief in the death, disability or absence of the Police Chief and such other duties as may be assigned to the Deputy Police Chief by the Director of Public Safety, subject to the approval of the City Manager.

**ACTION:** Councilor Verow moved that the proposed ordinance amendment be enacted.  
The motion was seconded.

Councilor Verow moved that the proposed ordinance amendment be amended  
by adding an emergency preamble as follows:

EMERGENCY PREAMBLE

WHEREAS, ordinance amendments enacted by the Brewer City Council do not become effective until five days after approval unless such ordinance amendments contain emergency preambles; and

WHEREAS, it is imperative that the changes in the ordinance become effective immediately so that appointments may be made; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

The motion was seconded and passed.

The proposed ordinance amendment, as amended, was enacted by unanimous vote.

\*\*\*

2012-C014

August 14, 2012

TITLE: AMEND CHAPTER 9, ENTITLED "FIRE PREVENTION",  
ARTICLE 1 THE FIRE DEPARTMENT, OF THE CHARTER, CODES  
AND ORDINANCES OF THE CITY OF BREWER BY AMENDING BY  
SUBSTITUTION SECTION 101 AND ADDING SECTIONS 101.1 AND  
101.2.

filed August 8, 2012  
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 9 of the Charter, Codes and Ordinances of the City of Brewer entitled "The Fire Department" be amended by substitution of Section 101 and by adding Sections 101.1 and 101.2 as follows:

~~**SECTION 101. FIRE CHIEF APPOINTMENT.** The City Manager shall appoint a Chief of the Fire Department subject to the confirmation of the City Council. The number of firemen shall be determined by, and each fireman shall be appointed by, the City Manager except as he may delegate the power of appointment to the Fire Chief.~~

**SECTION 101. PUBLIC SAFETY DIRECTOR AND FIRE CHIEF APPOINTMENTS.**

The City Manager shall appoint a Public Safety Director, who shall also be appointed the Chief of the Fire Department, subject to the confirmation of the City Council. The number of firemen shall be determined by, and each fireman shall be appointed by the City Manager, except as the City Manager may delegate to the Fire Chief.

**SECTION 101.1. DUTIES OF THE PUBLIC SAFETY DIRECTOR.**

The Public Safety Director shall have all of the duties of the Fire Chief set forth in this Ordinance and the laws of the State of Maine, along with such other Police Department duties as may be assigned to the Public Safety Director by the City Manager.

**SECTION 101.2. DEPUTY FIRE CHIEF.**

The City Manager shall appoint a Deputy Fire Chief, subject to the confirmation of the City Council, who shall have the same duties as the Fire Chief in the death, disability or absence of the Fire Chief and such other duties as may be assigned to the Deputy Fire Chief by the Director of Public Safety, subject to the approval of the City Manager.

**ACTION:** Councilor Ferris moved that the proposed ordinance amendment be enacted.  
The motion was seconded.

Councilor Verow moved that the proposed ordinance amendment be amended  
by adding an emergency preamble as follows:

EMERGENCY PREAMBLE

WHEREAS, ordinance amendments enacted by the Brewer City Council do not become effective until five days after approval unless such ordinance amendments contain emergency preambles; and

WHEREAS, it is imperative that the changes in the ordinance become effective immediately so that appointments may be made; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

The motion was seconded and passed.

The proposed ordinance amendment, as amended, was enacted by unanimous vote.

\*\*\*

2012-C015

August 14, 2012

TITLE: AMEND LAND USE CODE, CHAPTER 24, ARTICLE 3 ZONING DISTRICTS, SECTION 306.5, SCHEDULE OF USES TO ALLOW CHURCHES IN THE CONVENIENCE BUSINESS ZONING DISTRICT.

filed August 8, 2012  
by Kevin O'Connell

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 3 Zoning District, Section 306.5, Schedule of Uses of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code" be amended by allowing churches in the Convenience Business Zoning District.  
(See attached Matrix)

**ACTION:** Councilor O'Connell moved that the proposed ordinance amendment be enacted. The motion was seconded and passed.

The proposed ordinance amendment was enacted by unanimous vote.

\*\*\*



2012-C016

August 14, 2012

TITLE: AMEND CHAPTER 1, ENTITLED "THE CITY COUNCIL", ARTICLE 3, RULES OF ORDER, SECTION 350.1 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

filed August 8, 2012  
by Larry T. Doughty

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 1 Entitled "The City Council", Article 3, Rules of Order, Section 350.1 of the Charter, Codes and Ordinances of the City of Brewer be amended as follows:

**ARTICLE 3. RULES OF ORDER**

**SECTION 350. OTHER.**

**SECTION 350.1.** In all cases where the parliamentary proceedings are not determined herein or the City Charter "~~Roberts Rules of Order~~" "The Modern Rules of Order" by Donald A. Tortorice, shall control and decide the course of the proceeding.

**ACTION:** Councilor Doughty moved that the proposed ordinance amendment be enacted.  
The motion was seconded.

Councilor Verow moved that the proposed ordinance amendment be tabled.  
The motion was seconded and passed.

The proposed ordinance amendment was tabled by unanimous vote.

\*\*\*

**G. New Business.**

2012-C017

September 11, 2012

TITLE: AMEND LAND USE CODE, CHAPTER 24, ARTICLE 4 PERFORMANCE STANDARDS, SECTION 420.4, MULTIPLE USES ON A SINGLE LOT.

filed September 5, 2012  
by Arthur Verow

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 4 Performance Standards, Section 420.4, Multiple Uses on a Single Lot of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code" be amended by:

## 420 MULTIPLE USES ON A SINGLE LOT

No structure shall hereinafter be erected, altered, or utilized if the effect of such erection, alterations, or utilization is to create more than one (1) use on the lot unless the following conditions are met:

**420.1** The lot has the minimum amount required for the zoning district of continuous frontage on a public way for the first use and fifty additional feet (50') of continuous frontage on a public way for the second use and twenty-five additional feet (25') of continuous frontage for each additional use.

**420.2** All of the other requirements of the District in which the uses are located are met, with the exception that uses may be in the same building.

**420.3** Unless approved by the Planning Board, no parcel shall have more than two entrances spaced any closer than 120 feet away from other entrances as measured from the closest adjacent edge of each driveway, whether these be located on the subject lot, or adjacent lots.

This spacing distance is based on 30 mph posted speed limits. Where posted speed limit is 45 mph an access separation distance of 230 feet shall be used.

**420.4** Two or more non-residential uses on a lot are subject to site plan review. Multiple Residential Uses are subject to criteria set forth in Section 306.5 Schedule of Uses, Article 7 Subdivision Review when required and all other Laws, Codes and Ordinances of the City of Brewer and State of Maine.

**ACTION:** Councilor Verow moved that one copy of the proposed ordinance amendment be certified and filed with the City Clerk for posting. The motion was seconded.

Councilor Ferris asked Code Officer Ben Breadmore to explain the need for the Amendment.

Code Officer Ben Breadmore said that it was to take care of some past proposed amendments that were dropped from a previous Land Use Code Amendment.

The motion to certify and file one copy of the proposed ordinance amendment with the City Clerk for posting was passed by unanimous vote.

\*\*\*

2012-C018

September 11, 2012

TITLE: AMEND LAND USE CODE, CHAPTER 24, ARTICLE 12 IMPACT FEES,  
SECTION C.

filed September 5, 2012  
by Larry T. Doughty

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 12 Impact Fees, Section C of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code" be amended by:

## **ARTICLE 12 IMPACT FEES**

The Planning Board shall require as a condition of the approval of any land development permit the payment of impact fees for the purpose of financing infrastructure improvements in the area. Such fees shall be applied to projects (and any associated expenses) within an Area Capital Investment District in proportion to the development project's share of infrastructure costs necessitated by the development and as provided by 30-A M.R.S.A. § 4354.

- A. Assessment of such fees may include infrastructure facilities, such as:
  - 1) Wastewater and stormwater collection, pumping, and treatment facilities;
  - 2) Municipal water facilities;
  - 3) Solid waste facilities;
  - 4) Police and fire protection facilities and equipment;
  - 5) Roads and traffic control devices;
  - 6) Public transportation;
  - 7) Public Parks and other open space or recreation areas;
  - 8) Public Schools
- B. Such fees shall be collected for projects indicated in the city's Capital Improvement Program for the Area Capital Investment District in which the proposed development is located and shall be maintained in separate accounts for such projects. This Capital Improvement Program shall be prepared and submitted by the City Manager to the City Council for approval, and may be amended from time to time by the Council upon recommendation by the City Manager.
- C. Impact fees will be determined on the basis of infrastructure needs in the service area, the proportionate share generated by the development project and the timing of proposed infrastructure improvements. The formula for assessing said fees for each Area Capital Investment District will be prepared and submitted by the City Manager to the City Council for approval, and may be amended periodically by the Council ~~upon~~ with or without a recommendation by the City Manager.

## MEMORANDUM

Date: 9/11/12  
To: Mayor Goss and City Council Members  
Steve Bost, City Manager  
From: Linda Johns, City Planner  
Re: Proposed amendment to Land Use Code Article 12, Impact Fees

As requested by the City Council per Council Order 2012-A145 dated July 24, 2012, the Planning Board held a public hearing and made a recommendation at their meeting last night (September 10, 2012) on the following proposed ordinance amendment:

Brewer Land Use Code Article 12, Impact Fees.

- C. Impact fees will be determined on the basis of infrastructure needs in the service area, the proportionate share generated by the development project and the timing of proposed infrastructure improvements. The formula for assessing said fees for each Area Capital Investment District will be prepared and submitted by the City Manager to the City Council for approval, and may be amended periodically by the Council ~~upon~~ with or without a recommendation by the City Manager.*

No members of the public spoke on this item.

The Board discussed and noted that:

- The ordinance was originally written to include a check and balance and that the proposed language change may take away that needed aspect;
- The determination of the calculation fee is a technical process and not political;
- A waiver provision and appeal process through the City Council is already included for any individual to utilize if they choose.

Marc Inman made a motion recommending the City Council not adopt the proposed ordinance amendment. Frank Gallant seconded the motion. The motion passed 6-0-1 (John Sheehan abstained since he did not receive the information to review).

**ACTION:** Councilor Doughty moved that one copy of the proposed ordinance amendment be certified and filed with the City Clerk for posting. The motion was seconded and passed by a 4 to 1 vote (Chairman Goss voting against).

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2012-A191

September 11, 2012

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO  
TITLE 1, M.R.S.A. §405(6)(E) ON A LEGAL MATTER.

filed September 5, 2012  
by Joseph Ferris

ORDERED, that the City Council convene in executive session pursuant to Title 1,  
M.R.S.A. §405(6)(E) on a legal matter.

**ACTION:** Councilor Ferris moved that the order have passage. The motion was seconded  
and passed. The order was passed by unanimous vote.

Chairman Goss said the executive session would include City Council Members,  
the City Solicitor, the City Manager and the City Finance Director, City Assessor  
and City Development Director. He said the regular meeting would resume after  
the executive session and take up the rest of the items under New Business.

The regular meeting was called back to order by Chairman Jerry Goss.  
The city clerk called the roll:

Chairman Goss	-	present	Councilor Doughty	-	present
Councilor Ferris	-	present	Councilor O'Connell	-	present
Councilor Verow	-	present			

2012-A192

September 11, 2012

TITLE: ORDER, AUTHORIZE ABATEMENT OF REAL ESTATE  
TAXES AND FUNDING THEREOF, WITH  
ACCRUED INTEREST, TO 12 STEVENS, LLC FOR THE 2011  
AND 2012 TAX YEARS.

filed September 5, 2012  
by Larry Doughty

#### EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five  
days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative to have the agreement executed immediately so the work  
may begin on this project; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, the City has received requests from 12 Stevens, LLC on Map 20, Lot 19 for tax abatements for the 2011 and 2012 tax years; and

WHEREAS, the City's Interim Assessor has been negotiating with a representative of 12 Stevens, LLC on behalf of the City; and

WHEREAS, the City and 12 Stevens, LLC have reached agreement as to the tax values for the two (2) tax years in question; and

WHEREAS, the City Council has the authority to grant abatements pursuant to Title 36 M.R.S.A. § 941; and

WHEREAS, Maine law requires a municipality to pay interest on overpayments and abatements;

NOW, THEREFORE, BE IT ORDERED that 12 Stevens, LLC is issued an abatement based upon error of \$15,659.58 for the 2011 real estate taxes, plus accrued interest of \$898.78;

NOW, THEREFORE, BE IT ORDERED, that 12 Stevens, LLC is issued an abatement based upon error of \$15,659.58 for the 2012 real estate taxes, plus accrued interest of \$359.47; and

FURTHER, BE IT ORDERED that the City Council hereby authorizes the appropriation and expenditure of Overlay to fund the abatements, which shall be paid from City account 0100100-300004, and the interest, which shall be paid from account 0116900-509865; and

FURTHER, BE IT ORDERED that \$21,689 in unexpended 12 Stevens LLC tax increment financing (TIF) revenue be returned to the General Fund to help cover this abatement expense.

**ACTION:** Councilor Doughty moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

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2012-A193

September 11, 2012

TITLE: ORDER, AUTHORIZE ABATEMENT OF REAL ESTATE  
TAXES AND FUNDING THEREOF, WITH  
ACCRUED INTEREST, TO AKTEM BUSINESS PARK, LLC  
FOR THE 2011 AND 2012 TAX YEARS.

filed September 5, 2012  
by Arthur Verow

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative to have the agreement executed immediately so the work may begin on this project; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, the City has received requests from AKTEM Business Park, LLC on Map 20, Lot 13 for tax abatements for the 2011 and 2012 tax years; and

WHEREAS, the City's Interim Assessor has been negotiating with a representative of AKTEM Business Park, LLC on behalf of the City; and

WHEREAS, the City and AKTEM Business Park, LLC have reached agreement as to the tax values for the tax year in question; and

WHEREAS, the City Council has the authority to grant abatements pursuant to Title 36 M.R.S.A. § 941; and

WHEREAS, Maine law requires a municipality to pay interest on overpayments and abatements;

NOW, THEREFORE, BE IT ORDERED that AKTEM Business Park, LLC is issued an abatement based upon error of \$26,644.98 for the 2012 real estate taxes, plus accrued interest of \$910.08;—and an abatement based upon error of \$26,644.98 for the 2011 real estate tax year, plus accrued interest. Said abatements and accrued interest shall be set off against the 2013 real estate taxes and personal property taxes and the balance, if any, shall be paid to AKTEM Business Park, LLC; and

FURTHER, BE IT ORDERED that the City Council hereby authorizes the appropriation and expenditure of Overlay to fund the abatements, which shall be paid from City account 0100100-300004, and the interest, which shall be paid from account 0116900-509865

**ACTION:** Councilor Verow moved that the order have passage. The motion was seconded.

Councilor Verow moved that the order be amended as indicated by the underlined sections in the above order. The motion was seconded and passed.

The order, as amended, was passed by unanimous vote.

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2012-A194

September 11, 2012

**TITLE:** ORDER, AUTHORIZE ABATEMENT OF REAL ESTATE TAXES AND FUNDING THEREOF, WITH ACCRUED INTEREST, TO EASTERN MAINE HEALTHCARE SYSTEMS FOR THE 2011 AND 2012 TAX YEARS.

filed September 5, 2012  
by Kevin O'Connell

#### EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative to have the agreement executed immediately so the work may begin on this project; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, the City has received requests from Eastern Maine Healthcare Systems (hereinafter referred to as "EMHS") on Map 2, Lot 9 (Parcel ID # 00200-009) for tax abatements for the 2011 and 2012 tax years; and

WHEREAS, the City's Interim Assessor has been negotiating with EMHS on behalf of the City; and

WHEREAS, the City and EMHS have reached agreement as to the tax values for those two (2) years in question; and



WHEREAS, the City Council has the authority to grant abatements pursuant to Title 36 M.R.S.A. § 941; and

WHEREAS, Maine law requires a municipality to pay interest on overpayments and abatements;

NOW, THEREFORE, BE IT ORDERED that EMHS is issued an abatement based upon error of \$29,971.11 for the 2011 real estate taxes, plus accrued interest of \$1,588.48; and 2012-A194, page 2

FURTHER, BE IT ORDERED that EMHS is issued an abatement of \$11,172.08 for the 2012 real estate taxes, plus accrued interest of \$265.23; and

FURTHER, BE IT ORDERED that the City Council hereby authorizes the appropriation and expenditure of Overlay to fund the abatements, which shall be paid from City account 0100100-300004, and the interest, which shall be paid from account 0116900-509865.

**ACTION:** Councilor O'Connell moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

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#### **H. New Items with Leave of Council.**

No items.

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Chairman Goss said he would accept a motion for adjournment.

**ACTION:** Councilor Doughty moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 8:35 p.m.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Howard F. Kroll  
City Clerk

**A TRUE COPY, ATTEST:** \_\_\_\_\_ Brewer, Maine